

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TALECRIS BIOTHERAPEUTICS, INC., and)
BAYER HEALTHCARE LLC,)

Plaintiffs,)

v.)

BAXTER INTERNATIONAL INC., and)
BAXTER HEALTHCARE CORPORATION,)

Defendants.)

C.A. No. 05-349-GMS

Jury Trial Demanded

BAXTER HEALTHCARE CORPORATION,)

Counterclaimant,)

v.)

TALECRIS BIOTHERAPEUTICS, INC., and)
BAYER HEALTHCARE LLC,)

Counterdefendants.)

REDACTED VERSION DI 311

DECLARATION OF JACLYN M. MASON IN SUPPORT OF
PLAINTIFFS' REPLY BRIEFS IN SUPPORT OF
THEIR MOTIONS *IN LIMINE* NOS. 1-5

Bradford J. Badke, Esquire
Gabrielle Ciuffreda, Esquire
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, NY 10036
*Of Counsel for Counterclaim Defendant
Bayer Healthcare LLC*

Redacted Version Filed: May 21, 2007
Date: May 14, 2007

Jeffrey B. Bove (#998)
Mary W. Bourke (#2356)
Mark E. Freeman (#4257)
Jaclyn M. Mason (#4737)
Dana K. Hammond (#4869)
Christopher E. Jeffers (*pro hac vice*)
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899-2207
(302) 658-9141
*Attorneys for the Plaintiffs and
Counterclaim Defendants*

I, Jaclyn M. Mason, declare:

1. I am an associate at the law firm of Connolly Bove Lodge and Hutz LLP in Wilmington, Delaware and one of the counsel of record for Plaintiffs and Counterdefendants Talecris Biotherapeutics, Inc. and Bayer Healthcare LLC. I make this declaration in support of Plaintiffs' Reply Briefs in Support of Their Motions *in Limine* Nos. 1-5 based on my personal knowledge and the inspection of the documents attached hereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of pages 122, 143 and 147 of the Highly Confidential deposition transcript of R. Bruce Den Uyl (February 27, 2007).

3. Attached hereto as Exhibit 2 is a true and correct copy of page 48 of the Highly Confidential deposition transcript of Christopher J. Bokhart (February 21, 2007).

4. Attached hereto as Exhibit 3 is a true and correct copy of the Joint Claims Construction Chart.

5. Attached hereto as Exhibit 4 is a true and correct copy of the transcript from the *Markman* hearing (December 14, 2006).

6. Attached hereto as Exhibit 5 is a true and correct of the Court's Claim Construction Order, Docket Item 199.

7. Attached hereto as Exhibit 6 are true and correct copies of pages 1, 3-6 of the Highly Confidential Rebuttal Expert Report of Jeffrey V. Ravetch (January 31, 2007).

8. Attached hereto as Exhibit 7 are true and correct copies of pages 106-109 of the Highly Confidential deposition transcript of Dr. Terrence Snape (February 22, 2007).

9. Attached hereto as Exhibit 8 are true and correct copies of page 122 of the Highly Confidential deposition transcript of Dr. Thomas Kindt (February 28, 2007) and pages 151-2,

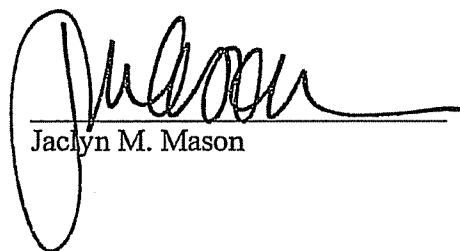
155, 204-5, 210, 215-6, 242-5 of the Highly Confidential deposition transcript of Dr. Thomas Kindt (March 1, 2007).

10. Attached hereto as Exhibit 9 is a true and correct copy of page 20 of the Highly Confidential deposition transcript of Dr. William Alonso (September 26, 2006).

11. Attached hereto as Exhibit 10 is a true and correct copy of page 26 of the Expert Report of Thomas J. Kindt (January 10, 2007).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 14th day of May, 2007, at Wilmington, Delaware.



Jaclyn M. Mason

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CERTIFICATE OF SERVICE

I hereby certify on this 14th day of May, 2007 I electronically filed the foregoing **Declaration of Jaclyn M. Mason in Support of Plaintiffs' Reply Briefs in Support of Their Motions in Limine Nos. 1-5** with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

Philip A. Rovner, Esquire Potter Anderson & Corroon LLP Hercules Plaza P. O. Box 951 Wilmington, DE 19899 (302) 984-6140 provner@potteranderson.com	Susan Spaeth, Esquire Townsend and Townsend and Crew LLP 379 Lytton Avenue Palo Alto, CA 94301-1431 (415) 576-0200 smspaeth@townsend.com
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I also hereby certify that a true copy of the foregoing document was served upon the following in the manner indicated on May 14, 2007.

<u>Via Hand Delivery and E-Mail</u> Philip A. Rovner, Esquire Potter Anderson & Corroon LLP Hercules Plaza P. O. Box 951 Wilmington, DE 19899 (302) 984-6140 provner@potteranderson.com	<u>Via Federal Express and E-Mail</u> Susan Spaeth, Esquire Townsend and Townsend and Crew LLP 379 Lytton Avenue Palo Alto, CA 94301-1431 (415) 576-0200 smspaeth@townsend.com
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/s/ Jeffrey B. Bove
Jeffrey B. Bove (#998)
CONNOLLY BOVE LODGE & HUTZ LLP
The Nemours Building
1007 North Orange Street
Wilmington, DE 19801
Telephone: (302) 658-9141
jbove@cblh.com
Attorneys for Talecris Biotherapeutics, Inc. and Bayer Healthcare LLC

Bradford J. Badke
Gabrielle Ciuffreda
ROPES & GRAY LLP
1251 Avenue of the Americas
New York, NY 10020-1105
(212) 596-9000
Attorneys for Bayer Healthcare LLC